

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:14-cr-06

JOHN CALVIN FIELDS,

Defendant.

**REPORT AND RECOMMENDATION CONCERNING DEFENDANT'S
MOTION TO SUPPRESS**

On April 11, 2014, Defendant filed a Motion to Suppress Out-of-Court Identification.¹ The undersigned held a hearing on Defendant's motion on April 22, 2014, and the hearing was continued until April 25, 2004. On April 25, 2004, Defendant appeared for a change of plea hearing, where he entered a plea of guilty to the crime charged in count two of the indictment. Accordingly, the undersigned recommends that Defendant's Motion to Suppress Evidence (Doc. 23) be **DENIED AS MOOT**.

Any party who appears *pro se* and any counsel of record, as applicable, may, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should be submitted to the District Court Judge of Record. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this

¹Dkt. No. 23.

Court based upon such Report and Recommendation.

DATED: May 14, 2014

/s/ *James E. Seibert*

JAMES E. SEIBERT

UNITED STATES MAGISTRATE JUDGE